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Anaximenes again (*Att. Ber.*, II, 395 ff.) with this dissertation before him, would change a few of his sentences; we can hardly agree with Eisemann, however, that Blass has merely touched the matter with his finger tips.

In section 1 Eisemann gives a list of similar investigations, discusses their method, and says that he will follow the method introduced by G. Kaibel in his *Stil und Text der Πολιτεία Ἀθηναίων des Aristoteles*, 1893. (Eisemann perhaps would have done well had he followed Kaibel in the naming of his dissertation.)

In section 2 Eisemann recognizes two methods of word arrangement in his author, *bipartitio* and *variatio*. In sections 3 and 4 *pariosis* and *paromoiosis* are illustrated as forms of *bipartitio*. In sections 5 and 6 Eisemann enlarges the number of forms of *variatio* that have previously been noted by Spengel and Ipfelkofer. Sections 7, 8, and 9 contain a long list of examples of chiasmus. Sections 10, 11, and 12 illustrate twelve of the thirteen forms of hyperbaton given in Lindhamer's classification. Eisemann amplifies this classification by the addition of new forms from the 'Πηγορικῇ. Section 12 further contains an interesting discussion of hiatus. Here the reader is inclined to side with Eisemann in his arguments against Blass, who distrusted the MSS chiefly because of the frequency of hiatus. The remainder of the first half of the dissertation is devoted to a discussion of various noteworthy examples of word-order which the author has reserved for special treatment. On p. 44 his defense of the text (99, 23-100, 1) against the arguments of Ipfelkofer seems convincing.

In the last half of the dissertation Eisemann attempts to prove that the old readings of the MSS are superior to the new readings of the Hibe papyrus. Very few of his arguments are at all convincing. He fails to see that the usage of the MSS may not be set as a Procrustean bed for the new readings of the papyrus. The fact that the papyrus preserves less than one-ninth of the treatise makes the problem a difficult one. Eisemann introduces the very interesting hypothesis that the papyrus was prepared for individual use by a person who cared for the content rather than the form of the treatise. In this way he would explain the fact that the papyrus presents on an average one variant for every three lines of text. One must still look to Grenfell and Hunt's introduction for a more dispassionate statement of the case.

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*Vormundschaftsrechtliche Studien: Beiträge zur Geschichte des römischen und griechischen Vormundschaftsrechts.* VON DR. RAFAEL TAUBENSCHLAG. Leipzig: B. G. Teubner, 1913. Pp. 88. M. 3.

In the first of these studies (pp. 1-26) Dr. Taubenschlag contends that the *edictum perpetuum* contained a provision requiring on the part of the guardians, known as the *tutores Atiliani*, a *cautio rem pupilli salvam fore*. Ultimately,

by judicial interpretation, the *legitimi* and the *patroni* were included. An analysis of Ulpian's commentary as contained in *Dig.* 26. 2 follows.

The second study (pp. 26-46) contains a close analysis of the *crimen suspecti* <*tutoris vel curatoris*>, in order to discover upon what grounds the administration of a guardian might be impugned.

The third study (pp. 46-68) deals with the development of the *cura impuberis*, that guardianship of a minor which took the place of the usual *tutela*. It is the author's contention that it grew out of the *adiunctio curatoris propter adversam valetudinem* <*tutoris*>.

Pp. 68-86 contain a discussion of the legal guardianship of women. At Greek law, women were under the perpetual tutelage of their *κύριοι*. At Rome, on the other hand, the last vestiges of such a compulsory guardianship were abolished in the first century by a *lex Claudia*. Nevertheless, although practically all free residents of the empire became Roman citizens by the Constitutio Antonina, the Greek system survived in many parts of the East and was reintroduced into the imperial law by Constantine.

Dr. Taubenschlag's book is technical and will be profitably read only by those already familiar with the substance and methods of modern legal research. The plausibility of his conclusions may be granted. But that he has convincingly demonstrated them is more than doubtful. That, however, is due not to anything which characterizes the author's own reasoning, but to the vicious method which he shares with more than one German Romanist, of great and little degree. He discovers interpolations in the Digest with an assurance that suggests divinatory skill. There are provable interpolations in the Digest—enough to justify the *unbehagliches Gefühl* with which, in Theodor Kipp's words, historians of Roman law must approach the consideration of their principal source. But the criteria which Taubenschlag accepts are certainly not adequate.

Most of the argument is philological. Certain passages, we are told, smack of "Byzantine" Latin. According to Taubenschlag and others of his school, such words as *forte* (p. 33), seemingly needless repetitions (p. 20), *ut esset*, where Madvig or Zumpt would prefer *ut sit* (p. 12), indicate that the whole passage is *kompilatorisch*. Even to the *beliebte justinianische Partikel "sed"* (p. 45), probative force is granted. That is only one item in a cumulative argument, but, surely, no context could mitigate its absurdity.

The *Jagd nach Interpolationen* bids fair to become as great a philological scandal as the Homeric question or Old Testament criticism. It is to be hoped that the welcome sanity which is now being manifested in the last two fields will extend to the first, and that scholars will await much more thorough investigation of juristic Latin than has yet been attempted, before accepting *videlicet* (p. 13), or a change of tense (p. 8, n. 39), or a doublet (p. 53), as indicia of time of composition.

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